

REMARKS

1. The Office Action has rejected Claims 1 - 6, 10 - 13, 24 and 27 under the provisions of 35 U.S.C. §102(b), as being anticipated by U. S. Patent No. 6,256,934 (Alley). The Office Action states that Alley discloses a mounting bracket for attachment to a roof seam having first and second clamping members and an actuator for moving the second jaw to clamp the seam. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendment of independent Claims 1, 10 and 24 above. More particularly, Claim 1 has been amended to define the first clamping jaw as being fixed with respect to translational movement from said first side wall, while the actuator moves the second clamping jaw through a translational movement toward and away from the first clamping jaw to trap the raised roof seam between the two clamping jaws. Claim 10 was amended to define that the removable inserts are positioned respectively on the opposing side walls of the body member in registered alignment with one another so as to grip the raised roof seam therebetween with an equally distributed clamping force without deforming the raised roof seam. Claim 24 was amended similarly to Claim 10 in that the two clamping jaws are defined as being in registered alignment with one another to grip the raised roof seam with an equally distributed clamping force without deforming the raised roof seam.

Applicant respectfully submits that the Alley reference discloses a pair of opposing clamping pads in offset alignment so that the specially formed, balled, clamping pads will affect a deformation of the raised roof seam to prevent the snow barrier from sliding along the roof seam, particularly under load. Accordingly, the Alley reference cannot meet or make obvious the invention as defined in independent Claims 10 and 24, as amended. Furthermore, Alley contains no teaching or suggestion for a pair of clamping jaws with one of the clamping jaws being fixed on one of the side walls of the body portion such that the fixed clamping jaw is prevented from moving toward or away from the other clamping jaw, which accomplishes all of the translational movement to affect clamping of the raised roof seam. Accordingly, Alley cannot meet or make obvious the specific limitations set forth in amended independent Claim 1.

In view of the amendments made above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

2. The Office Action has rejected Claims 7 - 9, 14 - 23, 25 and 26 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Alley in view of U. S. Patent No. 6,453,623 (Nelson). The Office Action states that it would be obvious to modify the teachings of Alley to incorporate the receptacle of Nelson for mounting a snow stop. The Office Action also states that Nelson discloses a generally vertical opening for a fastener (5) to engage the snow stop, and that Nelson also discloses an edge wedge shape for engagement of the snow stop. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendments made to independent Claims 1, 10, 17 and 24 to clarify Applicant's invention and distinguish the cited prior art references. The amendments to Claims 1, 10 and 24 are discussed in Paragraph 1 above. Since Nelson adds nothing to the teachings of Alley to meet the limitations of these amended independent claims, Applicant respectfully submits that the claims dependent thereon, namely Claims 7 - 9, 14 - 16, 25 and 26, contain these limitations and, thus, are not obvious over Alley or Nelson, whether taken singly or in combination.

Applicant would direct the Examiner's attention to the amendments to independent Claim 17 to define the depression formed on the top surface as being open to receive the device, such as a snow guard, a snow rail or other such snow stopping device, on the top surface. The depression is defined as having a single wedging edge formed along one side thereof beneath which the device can be trapped for retention in said depression. The top surface is also defined as having formed therein a generally vertical opening extending therethrough from the cavity to receive a locking fastener for engaging the device within the depression.

While Nelson does disclose a snow rail mounting apparatus in which the snow rail is slid into a slotted receptacle on top of the mounting apparatus, Applicant's mounting bracket is defined in amended independent Claim 17 in a manner that cannot be met or made obvious by Nelson or Alley, whether taken singly or in combination. More particularly, the depression is defined as being open with a single wedge edge on one side thereof and with a vertical opening

extending through the top surface of the body member from the cavity below the top surface. Although Claim 18 was canceled, due to incorporation into independent Claim 17, dependent Claims 19 - 23 depend from amended Claim 17 and contain the limitations therein.

Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

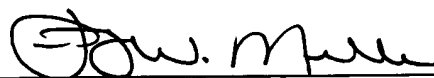
3. The Office Action has allowed Claims 28 -31. Applicants respectfully request that these claims be passed to allowance with the other claims remaining in this application.

4. In summary, Claims 1, 10, 17, 19, 20 and 24 have been amended, Claim 18 has been canceled, and Claims 1 - 17 and 19 - 31 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,

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